

UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States of America)
v.)
)
Riley Dean KELLNER)
SSN: XXX-XX-3619; YOB 2002)
)
)
)

Defendant(s)



FILED

United States District Court
Albuquerque, New Mexico

Mitchell R. Elfers
Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 10, 2024 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 922 (g)(1)	Felon in possession of a firearm and ammunition

This criminal complaint is based on these facts:

See attachment

Continued on the attached sheet.

Complainant's signature

Thomas Vigil - ATF Task Force Officer

Printed name and title

Electronically submitted and telephonically sworn before me.

Judge's signature

Date: 09/27/2024

Honorable B.PAUL BRIONES, U.S. Magistrate

Printed name and title

City and state: Albuquerque, New Mexico

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 24MJ1405-BPB

RILEY KELLNER,

Defendant.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Thomas Vigil, a Task Force Officer (“TFO”) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), being duly sworn, depose and state as follows:

I am a full-time, sworn law enforcement officer with the Albuquerque Police Department (“APD”) and have been so employed for approximately ten years. I am currently assigned as a Detective with the Special Investigation Division, Gang Unit. My duties include follow-up investigations on individuals, and gang member(s) involved in felony crimes to include but not limited to: homicide, aggravated assault with deadly weapons, aggravated battery, aggravated burglary, residential burglary, commercial burglary, felon in possession of a firearm, gun violence, and narcotics. I have training and experience with the methods used and actions of persons who commit these types of crimes. I have assisted in obtaining arrest and/or search warrants for people, places, and items involved in these types of crimes.

I am a TFO with ATF and have been so employed since February of 2022. I am a law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Titles 18, 21, and 26 of the United States Code.

This Affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

SUMMARY OF PROBABLE CAUSE

On August 10, 2024, APD officers B. Loving and J. Gomez observed multiple subjects engaged in a physical fight near the intersection of 3rd Street and Central Ave NW in Albuquerque (in Bernalillo County within the District of New Mexico). As officers broke up this fight, and were escorting two subjects from the scene, a male later identified as Riley Kellner (“KELLNER”) approached one of the subjects and started a physical fight with this subject.

Officer B. Loving detained KELLNER. KELLNER was placed into handcuffs and advised he was under arrest. KELLNER was walked to a police vehicle where he was searched for any weapons before placing him into the police vehicle. Officer B. Loving felt what she believed was a gun in the right side pocket of a pair of shorts that KELLNER was wearing under his pants, and asked KELLNER what the item was. KELLNER originally stated that the item was his phone, however later KELLNER admitted that the item was a gun.

Officer B. Loving removed a loaded black Keltec P11 9mm handgun bearing serial number 06069 from KELLNER’s pocket. The firearm was loaded with eight 9mm rounds in a magazine. KELLNER was arrested on state charges for unlawful carrying of a deadly weapon, negligent use of a deadly weapon, and disorderly conduct.

I queried KELLNER’s criminal history and determined that KELLNER is a convicted felon. KELLNER was convicted in the State of New Mexico’s Second Judicial District of Shooting at or from a Motor Vehicle in Cause No. D-202-CR-202300869. KELLNER was also convicted in the State of New Mexico’s Second Judicial District of Shooting at or from a Motor Vehicle in Cause No. D-202-CR-202300877. I also determined that KELLNER was sentenced to

1 year at the Metropolitan Detention Center for these two convictions. Therefore I have reason to believe that KELLNER knew he had been convicted of a felony offense.

Special Agent (“SA”) Katie M. Stamper observed a photo of the firearm recovered from KELLNER and identified the firearm to be a Keltec p11 9mm handgun bearing serial number 06069. SA Stamper determined that the firearm was not manufactured in the State of New Mexico and therefore affected interstate commerce.

Based upon these facts, I believe that there is probable cause to believe that Riley KELLNER has committed the crime of 18 U.S.C. §§ 922(g)(1) and 924, that being a felon in possession of a firearm and ammunition.

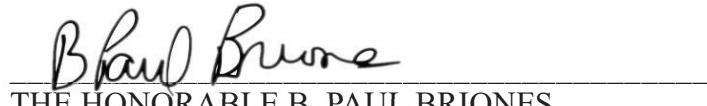
Assistant United States Attorney Jaymie L. Roybal has reviewed and approved this Affidavit.

Respectfully submitted,



Thomas Vigil
TFO
ATF

Subscribed electronically and sworn telephonically to me on September 27, 2024:



THE HONORABLE B. PAUL BRIONES
UNITED STATES MAGISTRATE JUDGE